

BEST AVAILABLE COPY



OSMM&N File No. 198334US8

Dept.: E/M

By: BDL/MM/jmo

✓ Serial No. 09/741,824

In the matter of the Application of: Kazuhisa KASHIHARA, et al.

For: ARRAYED WAVEGUIDE GRATING TYPE OPTICAL  
MULTIPLEXER/DEMULTIPLEXER AND OPTICAL WAVEGUIDE  
CIRCUIT

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Cover Letter
- Petition for Consideration under 37 C.F.R. § 1.181(a)(3)
- Copy of Filing Receipt Dated March 16, 2004
- Copy of Information Disclosure Statement filed March 16, 2004
- Copy of PTO-1449 filed March 16, 2004



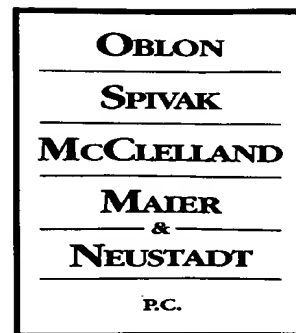
H:\19S\198334\IFR\_IDSPETITION.DOC

COPY



Docket No.: 198334US8

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/741,824  
Applicants: Kazuhisa KASHIHARA, et al.  
Filing Date: December 22, 2000  
For: ARRAYED WAVEGUIDE GRATING TYPE  
OPTICAL MULTIPLEXER/DEMULTIPLEXER AND  
OPTICAL WAVEGUIDE CIRCUIT  
Group Art Unit: 2874  
Examiner: PALMER, P.

SIR:

Attached hereto for filing are the following papers:

**PETITION FOR CONSIDERATION UNDER 37 CFR 1.181 (a)(3)**  
**COPY OF DATE-STAMPED FILING RECEIPT DATED March 16, 2004**  
**COPY OF INFORMATION DISCLOSURE STATEMENTS FILED March 16, 2004**  
**COPY OF FORM PTO 1449 FILED March 16, 2004**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Bradley D. Lytle  
Registration No. 40,073

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

H:\19s\198334\SHORT\_CVR\_IDSPETITION.DOC

Masayasu Mori  
Registration No. 47,301

**COPY**



DOCKET NO: 198334US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KAZUHISA KASHIHARA, ET AL. : EXAMINER: PALMER, P.  
SERIAL NO: 09/741,824 :  
FILED: DECEMBER 22, 2000 : GROUP ART UNIT: 2874  
FOR: ARRAYED WAVEGUIDE :  
GRATING TYPE OPTICAL  
MULTIPLEXER/DEMULTIPLEXER AND  
OPTICAL WAVEGUIDE CIRCUIT

PETITION FOR CONSIDERATION UNDER 37 CFR § 1.181 (a)(3)

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a Petition pursuant to 37 CFR §1.181 (a)(3) requesting that the examiner be instructed by the Commissioner or his representative to notify the applicant of the proper consideration of the Information Disclosure Statements (IDS) that were filed on March 16, 2004.

STATEMENT OF FACTS

On March 16, 2004, the applicant filed a Statements under 37 CFR § 1.97. This filing is clearly documented by the attached copy of the associated date-stamped Mail Room receipt and a copy of the PTO Form 1449. The PTO has not responded to the IDS filings by supplying the applicant with a copy of the PTO Form 1449 properly initialed by the examiner in clear violation of the rules.

COPY

POINT FOR REVIEW

The point for review is why the applicant has not been provided a copy of the above-noted PTO Form 1449 properly initialed by the examiner in correspondence with the rules.

ACTION REQUESTED

In light of the above, it is respectfully requested that the examiner be directed to provide the applicant with a copy of the above-noted PTO Form 1449 properly initialed by the examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

BDL/MM:JM  
H:\19s\198334\IDS\_PETITION.DOC

---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Masayasu Mori  
Registration No. 47,301

COPY



53

OSMM&N File No. 198334US8

Serial No. 09/741,824

In the matter of the Application of: Kazuhisa KASHIHARA, et al.

For: ARRAYED WAVEGUIDE GRATING TYPE OPTICAL  
MULTIPLEXER/DEMULTIPLEXER AND OPTICAL WAVEGUIDE  
CIRCUIT

Dept.: IP-1

By: BDL/phh

Due Date: 03/23/2004

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Information Disclosure Statement
- Cited References (8)
- Search Report EUROPEAN
- PTO-1449



COPY

Docket No. 198334US8/phh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kazuhisa KASHIHARA, et al.

SERIAL NO: 09/741,824

GAU: 2874

FILED: December 22, 2000

EXAMINER: P. T. H. PALMER

FOR: ARRAYED WAVEGUIDE GRATING TYPE OPTICAL MULTIPLEXER/DEMULTIPLEXER AND OPTICAL WAVEGUIDE CIRCUIT



INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references cited in the attached European Search Report listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☒ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

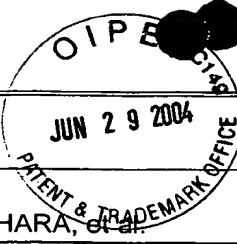
Registration No. 40,073

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

COPY

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY DOCKET NO.  
198334US8SERIAL NO.  
09/741,824

## LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Kazuhisa KASHIHARA, et al.

FILING DATE

December 22, 2000

GROUP

2874

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,537,432	07/16/1996	D. G. MEHUYS, et al.			
	AB	6,069,990	05/30/2000	M. OKAWA, et al.			
	AC	5,748,811	05/05/1998	M. R. AMERSFOORT, et al.			
	AD	6,195,482	02/27/2001	C. P. DRAGONE			
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	2 742 882	06/27/1997	FRANCE		X
	AP	0 484 878	05/13/1992	EUROPE		
	AQ	5-313029	11/26/1993	JAPAN (with English Abstract)		X
	AR					
	AS					
	AT					
	AU					
	AV					

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	R. M. LORENZO, et al., IEE Proceedings: Optoelectronics, vol. 145, no. 1, XP-000780219, pages 65-69, "IMPROVED SELF-IMAGING CHARACTERISTICS IN 1 X N MULTIMODE COUPLERS", February 1, 1998				
	AX					
	AY					
	AZ					<input type="checkbox"/> Additional References sheet(s) attached

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

COPY